

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
4 State Bar No. 101336
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3037
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:

Case No. 2011-634

13 **KAREN DENISE KARAVIOTIS**
14 **3215 TOOPAL DRIVE**
OCEANSIDE, CA 92058

STATEMENT OF ISSUES

15 **APPLICATION NO. 000911131**

16 Respondent.

17
18 Complainant alleges:

19 PARTIES

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
21 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about June 10, 2010, the Board of Registered Nursing, Department of
24 Consumer Affairs received an application for a Registered Nurse License from Karen Karaviotis
25 (Respondent). On or about June 8, 2010, Karen Karaviotis certified under penalty of perjury to
26 the truthfulness of all statements, answers, and representations in the application. The Board
27 denied the application on August 9, 2010.

28 ///

JURISDICTION

3. This Statement of Issues is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2736 of the Business and Professions Code (Code) provides, in pertinent part, that the Board of Registered Nursing (Board) may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

5. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 475 of the Code states:

(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

....

(2) Conviction of a crime.

(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

(4) Commission of any act which, if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license.

(b) Notwithstanding any other provisions of this code, the provisions of this division shall govern the suspension and revocation of licenses on grounds specified in paragraphs (1) and (2) of subdivision (a).

....

///

///

///

///

///

///

1 7. Section 480 of the Code states:

2 (a) A board may deny a license regulated by this code on the grounds that the
3 applicant has one of the following:

4 (1) Been convicted of a crime. A conviction within the meaning of this
5 section means a plea or verdict of guilty or a conviction following a plea of nolo
6 contendere. Any action that a board is permitted to take following the establishment
7 of a conviction may be taken when the time for appeal has elapsed, or the judgment
8 of conviction has been affirmed on appeal, or when an order granting probation is
9 made suspending the imposition of sentence, irrespective of a subsequent order under
10 the provisions of Section 1203.4 of the Penal Code.

11 (2) Done any act involving dishonesty, fraud, or deceit with the intent to
12 substantially benefit himself or herself or another, or substantially injure another.

13 (3) (A) Done any act that if done by a licentiate of the business or profession
14 in question, would be grounds for suspension or revocation of license.

15 (B) The board may deny a license pursuant to this subdivision only if the
16 crime or act is substantially related to the qualifications, functions, or duties of the
17 business or profession for which application is made.

18 8. Section 482 of the Code states:

19 Each board under the provisions of this code shall develop criteria to evaluate
20 the rehabilitation of a person when:

21 (a) Considering the denial of a license by the board under Section 480; or

22 (b) Considering suspension or revocation of a license under Section 490.

23 Each board shall take into account all competent evidence of rehabilitation
24 furnished by the applicant or licensee.

25 9. Section 2761 of the Code states:

26 The board may take disciplinary action against a certified or licensed nurse or
27 deny an application for a certificate or license for any of the following:

28 (a) Unprofessional conduct, which includes, but is not limited to, the
following:

(f) Conviction of a felony or of any offense substantially related to the
qualifications, functions, and duties of a registered nurse, in which event the record of
the conviction shall be conclusive evidence thereof.

10. Section 2762 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist, administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

REGULATORY PROVISIONS

11. California Code of Regulations, title 16, section 1444 states, in pertinent part:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

12. California Code of Regulations, title 16, section 1445 states:

(a) When considering the denial of a license under Section 480 of the code, the board, in evaluating the rehabilitation of the applicant and his/her present eligibility for a license will consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 (October 11, 2006 Criminal Conviction for Possession of a Controlled Substance on
3 September 10, 2006)

4 13. Respondent's application is subject to denial under sections 480, subdivisions
5 (a)(1) and (a)(3)(A), and 2761, subdivision (f) of the Code in that she was convicted of a crime
6 that is substantially related to the qualifications, duties, and functions of a registered nurse. The
7 circumstances are as follows:

8 14. On or about October 11, 2006, in a criminal proceeding entitled *State of Oklahoma*
9 *v. Karen Denise Karavotis*, in the District Court in and for the County of Tulsa County,
10 Oklahoma, Case Number CF-2006-4306, Respondent was convicted on her plea of guilty of
11 violating section 63 O.S. 2-402 (0B) .01 (Possession of a Controlled Substance), a felony.

12 15. As a result of the above conviction, the court withheld finding of guilt and deferred
13 judgment and sentencing for two years, until 10/29/2008. Respondent was assessed a fine of
14 \$500 and a Victim's Compensation Assessment of \$125 and court costs. The Court ordered
15 Respondent to complete 80 work hours within 180 days under the supervision of the Tulsa
16 County Work Program. Count 2, Possession of Drug Paraphernalia, was dismissed.

17 16. On April 11, 2007, the Court scheduled a hearing on a motion to modify community
18 service for April 25, 2007 and Respondent failed to appear. On May 1, 2007, the Court issued a
19 bench warrant for Respondent's arrest for failure to appear at a hearing. On June 18, 2007,
20 Respondent was arrested on the warrant and held without bail. On June 02, 2007, the Court
21 rescheduled the hearing on the motion to modify community service to July 2, 2007, while
22 Respondent remained in custody. On June 25, 2007, the warrant issued on May 1, 207 was
23 returned.

24 17. On July 2, 2007, Respondent failed to appear at a hearing on an application to
25 accelerate judgment and sentence. Respondent was taken into custody and arraignment was set
26 for July 11, 2007. Respondent posted bail on July 17, 2007.

27 ///

1 18. On July 20, 2007, the Court was notified that Respondent left treatment without
2 authorization and a bench warrant was issued. The bond posted by Respondent on July 17, 2007
3 was forfeited on July 20, 2007. Also on July 20, 2007, Respondent, while in custody, attended
4 the hearing and denied the allegations in the State's application to accelerate sentence, and the
5 hearing on the application was set for October 10, 2007. Respondent posted bail.

6 19. On October 10, 2007, Respondent confessed to the allegations in the State's application
7 to accelerate sentence. The Court accelerated Respondent's sentence and sentenced defendant to
8 serve two years in the Department of Corrections, with all time suspended. The Court ordered
9 that Respondent comply with the rules and conditions of community sentencing with diversion
10 services.

11 20. The circumstances that led to the above conviction are that on or about September 10,
12 2006, Tulsa, Oklahoma Police Department officers, while on routine patrol, observed a red Chevy
13 Lumina traveling east on 11th Street in the City of Tulsa and made a traffic stop. Respondent was
14 a passenger in the vehicle being driven by D.F. A check via TRACIS confirmed both subjects
15 had outstanding warrants and both were placed under arrest.

16 21. When officers asked Respondent if she had any illegal contraband on her person, she
17 stated, "Yeah, I have some crack and pipes in my bra." Officers transported Respondent to
18 Uniform Division East where officers retrieved two glass pipes and four tannish colored rocks
19 which were individually packaged. The rocks were field tested using the 904 reagent test kit,
20 which tested presumptive positive for the presence of cocaine. Respondent was transported and
21 to and booked into D. L. Moss county jail.

22 22. On or about September 13, 2006, the Tulsa Police Department Forensic Laboratory
23 tested the rocks confiscated from respondent when arrested. The results of the examination were
24 that the rocks weighed 0.73 grams and tested positive for Cocaine, a schedule II controlled
25 substance.

26 ///

27 ///

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2

3
4
5
6

7
8
9
10

11
12
13
14

15
16
17
18

19
20
21

22
23
24

25

26

27

28

1 **THIRD CAUSE FOR DENIAL OF APPLICATION**

2 **(Discipline by Another Health Care Professional Licensing Board)**

3 29. Respondent's application is subject to denial under sections 480(a)(3)A) and 2761,
4 subdivision (a)(4), in that on or about August 18, 1999, the State of Connecticut revoked
5 Respondent's Registered Nurse License No. R532219 for the following reasons:

6 30. From on or about January 1998 to March 1999, Respondent obtained the medication
7 Soma (Carisoprodol) and the controlled substance Vicodin (hydrocodone) from different
8 pharmacies as prescribed by different physicians. Respondent's estimated use of Soma was 20
9 tablets per day. The customary dosage for Soma is 4 tablets per day.

10 31. From January 6, 1999 through March 1999, Respondent was employed as a
11 registered nurse by Nursing Services, Inc., assigned to work at New London Rehabilitation
12 Center (New London) in Waterford, Connecticut. During February and March 1999, six bingo
13 cards of controlled substances and corresponding Controlled Substance Disposition Records were
14 discovered missing from New London. In March of 1999, Respondent signed out doses of the
15 controlled substances Lorazepam (Ativan), Hydrocodone/APAP (Vicodin), Oxycodone/APAP
16 (Percocet) and indicated she had administered the controlled substances to different patients. The
17 patients denied having received the controlled substances.

18 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

19 **(Unprofessional Conduct - Dishonesty)**

20 32. Respondent's application is subject to denial under sections 2761, subdivision (a) and
21 480, subdivisions (a)(2) and (a)(3)(A), and California Code of Regulations, title 16, section
22 1444(c), in that in or about October of 2007, Respondent passed false checks in Tulsa County,
23 Oklahoma.

24 ///

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

111

FIFTH CAUSE FOR DENIAL OF APPLICATION

(Unprofessional Conduct – Possession of a Controlled Substance)

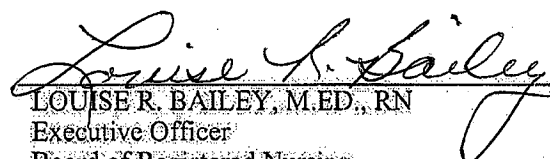
33. Respondent's application is subject to denial under sections 480, subdivision (a)(3)(A), and 2762, subdivision (a) of the Code in that in or about October of 2006, Respondent possessed controlled substances without a valid prescription.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Karen Karaviotis for a registered nurse license;
2. Taking such other and further action as deemed necessary and proper.

DATED: 1-14-11


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SD2010702566
70413052.doc